

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA, Case No. 1:21-cr-258  
Akron, Ohio

Plaintiff,

vs.

FRIDAY, MARCH 4, 2022

JOSHUA GLOWACKI,

Defendant.

TRANSCRIPT OF SENTENCING PROCEEDINGS  
*HELD VIA ZOOM VIDEOCONFERENCE*  
BEFORE THE HONORABLE JOHN R. ADAMS  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: Michael A. Sullivan,  
*Assistant United States Attorney*

For the Defendant: Eric C. Nemecek, *Esquire*

For Probation: Alexander Lucas

Chief Court Reporter: Sarah E. Nageotte, RDR, CRR, CRC  
United States District Court  
801 West Superior Avenue  
Court Reporters 7-189  
Cleveland, Ohio 44113  
(216) 357-7186

Proceedings recorded by mechanical stenography, transcript  
produced with computer-aided transcription.

1 FRIDAY, MARCH 4, 2022

2 - - -

3 (Proceedings commenced at 1:08 p.m.)

4 - - -

13:08:28 5 COURTROOM DEPUTY: This United States District  
6 Court is now in session, the Honorable John R. Adams  
7 presiding.

8 THE COURT: For the record, the Court has  
9 before it today Case Number 1:21-cr-258. The case is United  
13:08:41 10 States of America versus Joshua Glowacki. We're here today  
11 for sentencing.

12 Counsel for the Government, are you ready to proceed?

13 MR. SULLIVAN: Yes, Judge.

14 On behalf of the United States, Michael A. Sullivan.

13:08:52 15 THE COURT: Thank you.

16 Counsel for the defendant.

17 MR. NEMECEK: Yes, Your Honor.

18 On behalf of the defense, Eric Nemecek.

19 THE COURT: Thank you.

13:08:58 20 Mr. Nemecek, does your client consent to proceeding  
21 today by way of video?

22 MR. NEMECEK: He does, Your Honor.

23 THE COURT: Thank you.

24 Counsel, did you go over the presentence report,  
13:09:11 25 review it, and discuss it with Mr. Glowacki?

1 MR. NEMECEK: I have, Your Honor.

2 THE COURT: Mr. Glowacki, have you reviewed  
3 the report thoroughly with your attorney?

4 THE DEFENDANT: I have, Your Honor.

13:09:21 5 THE COURT: Did you read it in its entirety?

6 THE DEFENDANT: I have, Your Honor.

7 THE COURT: All right. Thank you.

8 The report indicates that there is one unresolved  
9 objection by the defendant which we will address. The  
13:09:38 10 defendant objects to paying the additional \$5,000 under the  
11 provisions of Justice for Victims of Trafficking Act.

12 He indicates that he is of limited assets, he's been  
13 incarcerated for ten months, and indicates that he may not  
14 have any resources to which to pay the \$5,000. It does  
13:09:56 15 appear that the defendant is indigent. However, there will  
16 be some restitution that will be required.

17 We will hear from the parties and the Government  
18 before I make a final determination about the \$5,000  
19 so-called special assessment that's required under the  
13:10:13 20 Justice for Victims of Trafficking Act of 2015.

21 Any other objections at this time the Government would  
22 like to raise?

23 MR. SULLIVAN: No, Judge, not on behalf of the  
24 Government.

13:10:25 25 Thank you.

1 THE COURT: Counsel for the defendant.

2 MR. NEMECEK: Yes, Your Honor.

3 The only other issue that I would like to address,  
4 other than what the Court just specified, is the amount of  
13:10:34 5 restitution request.

6 The reason it wasn't included as an initial objection  
7 is because I don't think that they received the letter until  
8 after the first report had already been issued and  
9 disclosed, so we didn't even get a chance to formally  
13:10:46 10 object.

11 But I guess I would like to be heard on that issue as  
12 well whenever the Court intends to address that.

13 THE COURT: Well, we can address it now before  
14 we go further, if you'd like.

13:10:54 15 What is the objection to the -- to a request for  
16 restitution?

17 MR. NEMECEK: The objection is just to the  
18 amount of the request, Your Honor. I don't believe that  
19 there's sufficient evidence in terms of proximate cause to  
13:11:11 20 justify a \$10,000 award in this case.

21 The Court's aware from the presentence report, as well  
22 as the sentencing memorandum, Mr. Glowacki possessed a total  
23 of I believe nine images. There's no evidence that any of  
24 them were ever distributed. He took no part in any sort of  
13:11:24 25 production of the image in question. And I don't believe

1 that there's anything specific to his case or his conduct in  
2 the restitution request that would somehow justify the  
3 amount that's being requested.

4 So with that in mind, I'd ask that the Court, you  
13:11:41 5 know, given the mitigating circumstance with respect to the  
6 conduct, especially as it relates to the restitution, I'd  
7 ask the Court to impose the minimum \$3,000 restitution  
8 amount.

9 THE COURT: Counsel for the Government.

13:11:53 10 MR. SULLIVAN: Judge, we would, you know, rely  
11 on your discretion in setting the restitution amount.

12 But I'd point out that, you know, if you look at the  
13 total losses that they have established in their filing with  
14 the Court that I -- that I passed on to Mr. Nemecek, 10,000  
13:12:11 15 is clearly just a small percentage of that, and we think  
16 that it probably is justified by their filing.

17 But we'll rely on your discretion in setting the  
18 amount.

19 THE COURT: Well, in terms of my discretion,  
13:12:25 20 I'm not required, as I understand it, to simply limit myself  
21 to what the defendant's current resources are but I may  
22 consider the level of his education, whether he will have --  
23 in the future may have the ability to pay this restitution,  
24 including paying at least ten percent of his gross income  
13:12:45 25 while he's in custody, if he does work while he's in

1 custody.

2 Am I correct in that assessment?

3 MR. SULLIVAN: I think you are, Judge.

4 I think Mr. Nemecek's argument, the way I took it, was  
13:12:58 5 more on whether or not we could show that there was evidence  
6 that he was responsible for \$10,000 worth of harm, not  
7 necessarily that he wouldn't be able to eventually pay it.

8 That's why I'm just saying that I think that the  
9 filing with the Court shows that the total amount of harm is  
13:13:15 10 pretty enormous and that this is just a small percentage of  
11 it and it is therefore justified.

12 THE COURT: And this case is a little  
13 different than others. We have identified that one of the  
14 images contained an identifiable victim, right?

13:13:29 15 MR. SULLIVAN: Yes.

16 THE COURT: Okay. So it's not as if in many  
17 of these cases we're not able to fully identify the victim,  
18 but, here, we have been able to identify the victim.

19 MR. SULLIVAN: That is correct.

13:13:42 20 THE COURT: So it's kind of hard to quantify  
21 the harm to the victim.

22 Mr. Glowacki paid, according to the report,  
23 approximately \$12,000 in U.S. currency, he used Bitcoin, to  
24 commit the offense conduct here.

13:14:04 25 Is that correct?

1 MR. SULLIVAN: I don't recall if it was that  
2 much.

3 THE COURT: You may not have it, but the PSI  
4 in the confidential pages indicates Mr. Glowacki used  
13:14:21 5 Bitcoin, a virtual currency, to make a payment to obtain  
6 child sexual abuse materials. Mr. Glowacki paid 1.75  
7 Bitcoin, which is approximately \$12,000 in U.S. currency.  
8 So it is -- obviously, it fluctuates.

9 MR. NEMECEK: Judge, if I may.  
13:14:41 10 My understanding from that statement, and I'm reading  
11 it from the PSR now, is that that address, the address in  
12 question where the Government claims that Mr. Glowacki made  
13 a Bitcoin payment, I think that what the PSR is stating is  
14 that that address received a total, not necessarily from Mr.  
13:14:58 15 Glowacki but from potentially, you know, other users, a  
16 total of 1.75 Bitcoin which had an approximate value of  
17 12,000.

18 I don't think Mr. Glowacki paid 1. -- 1.75 Bitcoin. I  
19 don't think that was the allegation.

13:15:14 20 THE COURT: I don't want to get ahead of  
21 myself here, but wouldn't an individual -- wouldn't it have  
22 some bearing on an individual's acceptance of  
23 responsibility, remorse that they're willing to pay  
24 restitution? Particularly when we have a victim here that's  
13:15:30 25 been identified. Wouldn't that go to someone saying, maybe

1 not in a technical sense but in the generic sense, that I'm  
2 admitting the harm, the wrongfulness of my conduct,  
3 including the harm that have been visited on this victim,  
4 and so, I'm willing to pay restitution, knowing that when  
13:15:45 5 I'm released I'm going to have a job and I'm going to have  
6 some ability to pay.

7 \$10,000 is, candidly, a very nominal sum when you look  
8 at the victim's injuries here, right?

9 MR. NEMECEK: I agree, Your Honor.

13:15:59 10 And in no way am I suggesting or is Mr. Glowacki  
11 suggesting that he's not amenable to paying restitution.

12 My point in making the objection or the argument is  
13 under Supreme Court precedent in *Paroline*, you know, the  
14 Court's required to make a determination as to the proximate  
13:16:14 15 cause, so whether or not there's evidence to support that  
16 Mr. Glowacki's conduct, that that proximately caused \$10,000  
17 worth of value.

18 So we're just asking the Court to make a determination  
19 as to whether or not the evidence supports that. And I'm  
13:16:27 20 not disputing the harm that this victim suffered, or even  
21 the figures that she has in terms of I think it's  
22 approximately like \$6 million in losses that she's trying to  
23 recoup.

24 But I would note that it appears that there's, like,  
13:16:41 25 1,500 orders out already for this particular victim in terms



1 of other cases where they've made requests, and if you just  
2 do the math, at 1,500, if she asked for 10,000 in all of  
3 those cases, that would be I think, like, \$15 million. So  
4 my point is she's either -- you know, the request hasn't  
13:17:01 5 come for 10,000 in all of these cases or it hasn't been  
6 ordered at 10,000 in all of these cases.

7 And if we look at Mr. Glowacki's conduct and the  
8 factors that the Court's required to consider, I just  
9 don't -- I don't believe that, you know, his possession of  
13:17:15 10 nine images, having not been involved in any distribution  
11 and not involved in the actual production, I don't -- I  
12 don't believe that that would justify an award of 10,000.  
13 I'm not saying he's not willing to pay restitution, it's  
14 just calculating the correct amount.

13:17:29 15 THE COURT: Really? So how do you come up  
16 with that idea?

17 When you think about the harm to these victims, even  
18 one picture which is being viewed on the internet by Mr.  
19 Glowacki, I mean, you think 10,000 is too much, huh? Is  
13:17:44 20 that what you're telling me?

21 When you look at the harm to the victim -- did you  
22 read the victim statement here?

23 MR. NEMECEK: I did, Your Honor.

24 THE COURT: All right. Did you read the harm?  
13:17:53 25 The psychological harm? All of the -- her health? All of

1 the harm that this victim has suffered? And you say \$10,000  
2 from Mr. Glowacki is too much?

3 MR. NEMECEK: Your Honor, I'm just pointing  
4 out that the Court is required, under Supreme Court  
13:18:08 5 precedent, to consider various factors and to be able to  
6 justify that Mr. Glowacki's conduct and offense proximately  
7 caused X amount of restitution in this particular case.

8 I'm not disputing that she suffered. And if the Court  
9 determines that 10,000 is the number, then that -- you know,  
13:18:26 10 we will accept that. I just -- I'm making the argument for  
11 purposes of the record because there are various findings  
12 and considerations that the Court has to make, and so,  
13 that's -- that's all that I am doing with the argument,  
14 Judge.

13:18:39 15 THE COURT: Well, I just -- I'm being blunt  
16 about it. I find 10,000 to be nominal when you look at the  
17 harm to these victims of this kind of behavior and you look  
18 at the fact that you have individuals like Mr. Glowacki  
19 who's the one that drives these markets, and, you know, if  
13:18:56 20 he's objecting to the \$5,000 under the Act, which is  
21 designed to try to help victims, he's objecting to that  
22 5,000, and now he's saying: I don't want to pay restitution  
23 and, if I do, I want to pay just a nominal sum.

24 And I can't help but think, well, that doesn't really  
13:19:14 25 give me a -- it doesn't give me a whole lot of comfort that

1 he's really understanding the impact to this victim even  
2 after reading her victim impact statement.

3 MR. NEMECEK: Your Honor, I do believe that he  
4 does. I do believe that he's sincerely remorseful. And  
13:19:32 5 you'll hear from him today.

6 And this is as his attorney, me, making the legal  
7 argument as it relates to the restitution. I'm not  
8 objecting to restitution. I'm not disputing the victim's  
9 harm that she suffered or the losses. I'm just asking the  
13:19:48 10 Court to take into consideration the factors and make a  
11 determination as to the appropriate restitution amount.

12 THE COURT: Well, you used the \$15 million  
13 number. So do you think \$15 million is too much for someone  
14 who's been sexually abused and then had their images posted  
13:20:06 15 all over the internet to be seen by anyone out there for  
16 really -- just for the rest of her life, they're never  
17 coming down, they're on the internet? Do you think 15  
18 million is too much?

19 MR. NEMECEK: No, I'm not saying that, Judge.

13:20:18 20 THE COURT: Okay. Well, you're using that  
21 number saying, well, she's going to get -- if you  
22 extrapolate, she may get 15 million, so, gee, and we're  
23 asking your client to pay \$10,000 and you think that's a lot  
24 or too much.

13:20:29 25 MR. NEMECEK: No. I --

1 THE COURT: And that --

2 MR. NEMECEK: And maybe I'm not doing the best  
3 job of conveying what I was attempting to convey, which is  
4 essentially that there were a number -- you know, the PSR  
13:20:41 5 notes that there were a number of orders out already from  
6 other courts in other cases, you know, where restitution had  
7 been ordered, and it indicated that she had not -- I don't  
8 believe that she had recovered or had recovered close to  
9 half of what the total out-of-pocket expenses are, which is,  
13:20:57 10 you know, 6 million.

11 So I was simply indicating that the \$10,000 request  
12 here, you know, I don't know if that's a request that's made  
13 in every case, but, you know, accepting the rest of what's  
14 in the PSR related to that as true, it hasn't been ordered  
13:21:14 15 in every case I would say if that has been the request.

16 That's all I'm saying.

17 THE COURT: Isn't it also possible that many  
18 of these offenders who are engaged in this conduct are  
19 imprisoned for periods of time that may even result in their  
13:21:29 20 being incarcerated for a lifetime, given the nature of some  
21 of these offenders, they're incarcerated for 10, 15, 20  
22 years, so -- or more, so that restitution is certainly hard  
23 to come by. We can order it, but collecting it is another  
24 matter.

13:21:45 25 I guess I'm just struggling with the idea that Mr.

1 Glowacki's conduct here in viewing these pictures, you know,  
2 he's paying to view them by the by. I don't know how much  
3 he's paid, but he's paying to view them. But yet, you, as  
4 his counsel, are arguing that \$10,000 is just way too much  
13:22:03 5 for this conduct to reimburse this victim for what she's  
6 suffered, including suffered at the hands of your client by  
7 the by.

8 I guess we'll just have to agree to disagree. I think  
9 \$10,000 is kind of nominal, bluntly, given his age, given  
13:22:20 10 how young he is, and when he'll be released, whether it's 15  
11 or 20 years or what have you, he'll be able to obtain  
12 employment, and I think it's a sign of someone's true  
13 remorse and true understanding of the victim's suffering by  
14 saying: I'm going to pay, I want to pay for the harm I've  
13:22:38 15 caused here, even my limited role in paying for that harm.  
16 Someone who doesn't want to do, hmm, I guess I have to  
17 wonder.

18 Anyone else wish to be heard on that issue?

19 Mr. Sullivan, do you have any other comments or  
13:22:56 20 issues, anything you'd note further about all of this?

21 MR. SULLIVAN: No, I don't, Judge.

22 No, thank you, Judge.

23 THE COURT: All right. Counsel, I'll take it  
24 up when we finalize the sentencing here. If that's the  
13:23:07 25 objection, I'll address it.

1           Go ahead. Anything else you'd like to add, counsel  
2           for the Government -- counsel for the defendant, I should  
3           say?

4                       MR. NEMECEK: No, Your Honor, not on those  
13:23:15 5           issues.

6                       THE COURT: Thank you.

7           The Court's required to properly calculate the  
8           advisory guidelines here. The guideline range is -- there's  
9           a calculation which is somewhat beside the point because of  
13:23:24 10          the mandatory minimum of 15 years by statute.

11          Here, we have a base offense level of 22. Two-level  
12          enhancement at paragraph 25. And four levels at 26. 27 is  
13          a specific offense characteristic, a two level. The  
14          adjusted offense level is 30. Acceptance of responsibility,  
13:23:46 15          two levels.

16                      Does the Government seek the third?

17                      MR. SULLIVAN: Yes, Judge, we do.

18                      Thank you.

19                      THE COURT: He'll be a 27.

13:23:54 20          At 27, Criminal History Category I, would be 70 to  
21          87 months.

22                      I will just note, as we will discuss later, the  
23          defendant has one prior conviction for pandering sexually  
24          oriented material involving a minor and the various charges  
13:24:10 25          connected therewith at paragraph 38. That offense conduct

1 occurred not too -- on 10-5-2018, not too terribly earlier  
2 than this offense conduct.

3 Counsel for the Government, do you have any objection  
4 to the Court's advisory guideline calculation?

13:24:29 5 MR. SULLIVAN: We do not.

6 Thank you.

7 THE COURT: Counsel for the defendant.

8 MR. NEMECEK: No, Judge.

9 Thank you.

13:24:34 10 THE COURT: All right. Counsel, any  
11 statement, argument you wish to make. I've read the brief,  
12 the evaluation, letters, all the materials submitted on  
13 behalf of the defendant. Tell me why it is that the  
14 180 months is the appropriate sentence, taking into  
13:24:49 15 consideration the fact that he has a prior conviction, was  
16 on probation at the time of this offense, and was supposedly  
17 engaging in counseling, but yet, we have this same activity  
18 occurring while on probation and while supposedly  
19 successfully undergoing counseling.

13:25:06 20 MR. NEMECEK: Thank you, Judge.

21 A lot of the information and arguments we have are set  
22 forth in the brief, so I will just highlight a few of the  
23 arguments in response to the Court's questions.

24 I would note for the record that Mr. Glowacki does  
13:25:18 25 accept responsibility in this case. He's sincerely

1 remorseful for any harm that he caused, not only to the  
2 victims in this case but also to his family. He's had ample  
3 time to reflect upon his conduct and the significant  
4 penalties that he's facing. He's been incarcerated for  
13:25:35 5 almost a year at this point in time in connection with the  
6 case.

7 He's a young man who's obviously struggled with mental  
8 health issues for most of his adult life, diagnosed with  
9 depression, anxiety. He's taking medications. And  
13:25:48 10 following his arrest in connection with the state case, the  
11 Court's aware, he did undergo a psychosexual evaluation and  
12 he was determined to have a sexual addiction. They  
13 recommended that he engage in individual and group  
14 counseling, and he did do that. I believe he was in  
13:26:04 15 counseling for approximately three years prior to his  
16 surrender in this case.

17 I do believe, and his counselors have indicated as  
18 well, that he did make progress in treatment. I think Josh  
19 will be the first to tell you that he thought the treatment  
13:26:17 20 was going well and that he had his issues under control.  
21 But, obviously, as evidenced by, you know, this case, that  
22 wasn't accurate. He understands the importance of  
23 continuing with treatment even despite the current setback.

24 As the Court is aware or may recall, we had filed a  
13:26:36 25 motion shortly after his arraignment requesting that he be,



1 you know, given permission to have unmonitored  
2 communications with his counselor because he sincerely had  
3 an interest in continuing with counseling, and the Court did  
4 issue the order, but, unfortunately, the institution where  
13:26:52 5 he was at, which was the Mahoning County Jail, they weren't  
6 able to make accommodations to allow for the unmonitored  
7 communications, so he hadn't been able to continue on with  
8 the treatment.

9 But he has expressed an interest in reengaging in  
13:27:06 10 treatment with the programming available through the BOP, as  
11 well as upon his release to get back into treatment. He  
12 understands that it's a lifelong commitment and he is  
13 interested in -- in continuing on with that.

14 Despite his current situation, he still maintains the  
13:27:23 15 love and support of his family and friends, some of whom  
16 have submitted letters in support for this Court's  
17 consideration. I know his parents are both, I guess, on  
18 this Zoom call to show their support for Josh as well.

19 In considering his conduct in this case, and comparing  
13:27:39 20 it to other defendants, I think there are a few notable  
21 points. As I mentioned before, there were only nine images  
22 that were found on his phone. No evidence that he ever  
23 distributed those images. No evidence that he was, you  
24 know, engaging in communications or conversations with  
13:27:57 25 other, you know, individuals engaged in this same sort of

1 offense. And no indication that he ever was engaged in any  
2 sort of contact offenses with minors.

3 As the Court determined at the outset, his initial  
4 calculation was deemed to be a 27, total offense level 27,  
13:28:19 5 with a recommended prison sentence of 78 to 97 months;  
6 however, due to his prior offense, he's subject to that  
7 15-year mandatory minimum sentence by statute, which I would  
8 note, as the Court's aware, is more than double the  
9 recommended sentence, what the sentence would otherwise be.

13:28:36 10 So I think, you know, certainly not discounting the  
11 fact that he was on probation or that he had a prior  
12 offense, but I think that that is significantly taken into  
13 account by the guidelines to the extent that his, at least,  
14 you know, the recommended sentence is approximately double  
13:28:51 15 what it otherwise would have been.

16 I would note that he's also going to be subject to a  
17 significant term of supervision upon his release with strict  
18 terms and conditions, including presumably that he would  
19 continue on with treatment, that he have limited access to  
13:29:08 20 the internet as well. So I think that that, in conjunction  
21 with, you know, his earnest efforts and commitments to  
22 treatment and his youthful age, should help to hopefully  
23 reduce the likelihood of recidivism.

24 With that said, I don't believe that a sentence beyond  
13:29:24 25 the mandatory minimum sentence is necessary to serve the

1 purposes and principles of sentencing, and I would ask the  
2 Court to impose the 15-year year sentence, followed by a  
3 lengthy term of supervised release, just to ensure that he  
4 gets the necessary treatment and avoids any similar offenses  
13:29:36 5 in the future.

6 Thank you, Judge.

7 THE COURT: Thank you, Counsel.

8 His earlier case in Cuyahoga County did involve,  
9 however, the sale, distribution of materials, right?

13:29:49 10 MR. NEMECEK: I believe that the facts of the  
11 case were that he was obtaining certain child pornography  
12 files through like a peer-to-peer network, and so, during  
13 the course of the downloading, those files are made  
14 available, you know, the default setting is to have those  
13:30:09 15 files available for other users to download, and so, those  
16 files or some of those files were downloaded by law  
17 enforcement during the course of the undercover  
18 investigation.

19 But I don't believe that there was evidence that he  
13:30:21 20 specifically, like, intentionally sent the images to anybody  
21 else or reposted them or distributed them directly to  
22 anybody.

23 THE COURT: That's -- okay. Just curious.  
24 Because the way the indictment, the offense conduct reads in  
13:30:36 25 that earlier state case, there was, what, 15 counts?

1 MR. NEMECEK: I believe so, yes.

2 THE COURT: And at least Counts 3 through 14  
3 alleges that the defendant did, with knowledge of the  
4 character of the material or the performance involved,  
13:30:53 5 advertise for sale or dissemination, sold, distributed,  
6 transported, disseminated, exhibited, or displayed material  
7 of a minor.

8 So wouldn't that lead one to believe that indeed it  
9 wasn't just possession or that, in fact, he was distributing  
13:31:10 10 it to others?

11 MR. NEMECEK: Yes. I don't believe there was  
12 a dispute that it was disseminated, at least to the extent  
13 that the undercover officers were able to download files  
14 from him.

13:31:19 15 I guess maybe it's -- and I'm not trying to, I guess,  
16 get into semantics, but what I was saying is he didn't --  
17 you know, he wasn't e-mailing them or sending them directly,  
18 but they were made available once they were downloaded, or  
19 in the process of downloading to his device through the  
13:31:37 20 default setting of the program that he used to obtain the  
21 information, it makes those same files available for other  
22 users to download from him.

23 So I -- I think that that's what is accounted for in  
24 the statute, and maybe it's just the use of the word  
13:31:52 25 disseminated or made available or advertised, but that was

1 essentially the conduct, that it was peer-to-peer software  
2 that he used.

3 THE COURT: So he wasn't involved in the  
4 sharing? He wasn't sharing pictures or exchanging pictures  
13:32:04 5 or things of that nature?

6 MR. NEMECEK: Not directly. Other than to say  
7 that those -- that files that were on his computer were  
8 available for other users to download who were using the  
9 same software, but he didn't take any steps beyond having  
13:32:18 10 those on his system to send those to anybody or to make them  
11 available to anybody.

12 THE COURT: Mr. Sullivan, what do you know  
13 about that?

14 MR. SULLIVAN: Judge, I believe that's  
13:32:31 15 accurate. I'm actually looking through the search warrant  
16 right now for the Cuyahoga County case.

17 I believe that the defendant was using BitTorrent,  
18 which is a peer-to-peer network, and I believe that he  
19 was -- the search warrant was conducted by the Ohio Internet  
13:32:48 20 Crimes Against Children Task Force. I guess they saw that  
21 he was -- he had files.

22 So he was -- his IP address was sharing them on the  
23 network through BitTorrent, but that could be, as Attorney  
24 Nemecek indicated, it could be more passive sharing, I guess  
13:33:08 25 would be the term, as opposed to active. I mean, he's using

1 peer-to-peer, so his files would be available for others to  
2 download from him, and I believe that was the nature of the  
3 connection.

4 THE COURT: Sounds like you just don't know.

13:33:21 5 MR. SULLIVAN: Well, no, I -- again, I'm  
6 reading through the -- the affidavit for the search warrant  
7 was based strictly on peer-to-peer evidence. I have -- and  
8 I'll pull up the indictment as well from Cuyahoga County.

9 THE COURT: You're talking about, just so it's  
13:33:41 10 clear for the record, the indictment in the other state  
11 case?

12 MR. SULLIVAN: Yes. Yes. Yes. So --

13 THE COURT: What does it tell you? Anything?

14 MR. SULLIVAN: It's just -- so, here, it  
13:33:51 15 either -- let me see. I have the report here. I'm looking  
16 at the report right now. The indictment just is -- it's  
17 statutory language.

18 So I'm just reading through the report of the  
19 investigation here. So Joshua was asked about child  
13:34:29 20 pornography on his computer. He believed he had used  
21 Utorrent within the last three to six months to download  
22 child pornography involving children.

23 So, yeah, so, I mean, it's -- the nature of the case  
24 was -- it was using peer-to-peer software by Mr. Glowacki to  
13:34:49 25 obtain child pornography. But in the course of obtaining it

1 using peer-to-peer software, it made it available to others  
2 to download from his computer.

3 THE COURT: Do you have -- as to the state  
4 case, do we know how many images were involved? Does it  
13:35:03 5 give that information there?

6 MR. SULLIVAN: Let's --

7 THE COURT: Sorry to focus on it, but it also  
8 is relevant to how long -- the extent of his supervision,  
9 how supervised release will -- it's relevant to conditions  
13:35:18 10 of supervised release and they're like the same in some  
11 respect.

12 MR. SULLIVAN: I'm pulling up the forensic  
13 report right now.

14 So on the one hard drive, there were nine movies, 37  
13:36:22 15 pictures. Then in unallocated space, there were another ten  
16 pictures. On another hard drive, there were 21 movies and  
17 two pictures. And then they -- and in unallocated, another  
18 19 movies. I think that was it.

19 THE COURT: Which under the guidelines is they  
13:36:51 20 would -- the movies would convert to how many images?

21 MR. SULLIVAN: 75 per, so on the -- on the  
22 nine movies, that would be -- and the 19 movies would be  
23 another, what, 1,300, so probably about 2,000.

24 Then, unallocated, there was 21 movies there so --

13:37:22 25 THE COURT: Another 25 movies?

1 MR. SULLIVAN: There were -- so in allocated  
2 space, there were nine movies and 21 movies. And then, in  
3 unallocated space, there were an additional 19 movies.

4 As far as the, in allocated space, that would be  
13:37:46 5 equivalent to 2,250. And then, the additional 19 in  
6 unallocated space would be an additional 1,425.

7 THE COURT: All right. Thank you.

8 Counsel for the defendant, do you want to add  
9 anything? Since I'm not sure if you represented him in the  
13:38:07 10 state court case.

11 MR. NEMECEK: I did, Your Honor, and I -- I  
12 don't believe that I would add anything other than what's  
13 been said up to this point.

14 THE COURT: Okay. Thank you.

13:38:17 15 In that court's case, he received two years' community  
16 control on May 21st, 2019.

17 So having said that, anything further you'd like to  
18 make? Any terms or any additional argument you'd like to  
19 make? Counsel for the defendant, anything else before I  
13:38:37 20 hear from the defendant?

21 MR. NEMECEK: No, Your Honor, not at this  
22 time.

23 THE COURT: Thank you.

24 Mr. Glowacki, what would you like to state on your own  
13:38:44 25 behalf?



1 THE DEFENDANT: Your Honor, first, I would  
2 like to apologize to my victims who, you know, I -- I admit  
3 to knowingly inflicting harm by viewing those materials, my  
4 family for not only putting them through this the first time  
13:39:04 5 but doing this a second time, to Judge McGinty who tried to  
6 see the best in me and I will acknowledge gave me a sentence  
7 that was a slap on the wrist for what I should have received  
8 and I so failed in his trust for me.

9 I'd also like to apologize to my counseling and my  
13:39:22 10 support group at Advanced Psychotherapy Services because I  
11 not only betrayed their trust but I cast them and other sex  
12 offenders that are looking to actually fix and improve  
13 themselves in the worst light.

14 Again, it cannot be understated that what I've done is  
13:39:41 15 unforgiveable. And again, I am on probation at the time of  
16 the reoffense. And I have already failed once while in  
17 treatment, but I do hope to still continue treatment, both  
18 during my incarceration and after serving the sentence you  
19 deem fit, whatever that may be.

13:40:00 20 I allowed myself to be complacent with my therapy. I  
21 really should have been trying to do more with it. I  
22 allowed myself to fall off the wagon. And I intend to try  
23 to become more open to any support systems I can have, both  
24 again in incarceration and once I finish my sentence, to  
13:40:19 25 also increase the intensity of my treatment, going to

1 more -- more support groups, trying to begin 12 steps, other  
2 programs I can try to find in order to prevent such failures  
3 in the future.

4 Thank you, Your Honor.

13:40:33 5 THE COURT: Thank you.

6 Counsel -- all right. Thank you, sir.

7 Counsel, what's the Government's position, please?

8 MR. SULLIVAN: Thank you, Judge.

9 Judge, I -- we're asking for a guideline sentence  
13:40:46 10 which, in this case, would be the 15 years. I would like to  
11 just comment on a couple of things briefly.

12 One, you know, Mr. Nemecek made a point as to the  
13 number of images being low in this case, and I don't think  
14 that really is all that relevant because the defendant was  
13:41:00 15 clearly using sophisticated technology in order to try to  
16 hide his activity. He was going on the dark web to buy  
17 access to the child pornography, so he was -- he had already  
18 been caught once and he was trying to cover his tracks. So  
19 the fact that he was caught not only once with child  
13:41:17 20 pornography is not only surprising or I think really quite  
21 relevant.

22 I guess the -- you know, the really notable part about  
23 this, and it's more of an issue for the state court, but --  
24 is that that state court judge was put on notice, there was  
13:41:31 25 a psychological report that he had before him when he

1 sentenced this defendant on 14 F-2s that carried  
2 two-to-eight years in prison with a presumption of prison,  
3 and the report said that he was highly likely -- that he was  
4 likely to reoffend, high-risk of reoffending, and he was  
13:41:49 5 given two years of community control sanction.

6 It didn't take long for the defendant to prove that  
7 the psychological report was right. Within months of being  
8 on probation, he was buying cryptocurrency so he could go on  
9 the dark web and find child pornography.

13:42:05 10 So we believe the guidelines here are -- the minimum  
11 mandatory is certainly justified, even though it's higher  
12 than the guidelines that have been calculated, given the  
13 defendant's prior, 15 years is certainly well earned.

14 THE COURT: All right. Counsel, thank you.

13:42:19 15 I'm required to make certain findings under 18,  
16 3553(a).

17 We'll begin with the nature and circumstances of the  
18 offense. They are that on October 20th, 2020, an FBI  
19 special agent received records from Coinbase, a virtual  
13:42:36 20 currency company associated through Bitcoin. A virtual  
21 currency address is known to be associated to dark net sites  
22 that advertise child sexual abuse material.

23 The records revealed an account associated or  
24 registered to the defendant. And the defendant sent Bitcoin  
13:42:53 25 payments to an address associated with a dark net website

1 that advertised child sexual abuse material.

2 On December 24th, 2019, the defendant's Coinbase  
3 account sent two payments to a Bitcoin address for  
4 approximately 1.75 Bitcoin, the PSI says approximately  
13:43:13 5 12,000 in U.S. currency, which was associated to a dark net  
6 website that advertised: Terabytes of child porn private  
7 site.

8 On March 23rd, 2021, FBI special agents and  
9 investigators executed a search warrant at the defendant's  
13:43:28 10 residence and seized the defendant's Samsung cell phone.  
11 They located the following on the defendant's Samsung cell  
12 phone: Nine images categorized as child exploitation, age  
13 difficult, with three images categorized as possible child  
14 pornography, and then there were 12 images that were  
13:43:47 15 categorized as CGI animation depictions, images of possible  
16 prepubescent females.

17 There were three images that contained visual  
18 depictions of real minors engaged in sexually explicit  
19 conduct with adults and other minors, including exhibition  
13:44:03 20 of genitals or pubic area and bestiality. One image had an  
21 identified victim. And then the details of these offenses  
22 are outlined in paragraphs 8 through 15 of the PSI. I won't  
23 spread it on the record. It's there, and it's clear what  
24 the defendant's proclivities are, and let's be blunt about  
13:44:31 25 it.

1           So in terms of the history and characteristics of the  
2 defendant, Mr. Glowacki is a 24-year-old male with no  
3 history of violence. He has one previous adult conviction  
4 for pandering sexually oriented material involving a minor.  
13:44:49 5 There were -- I think there were a total of 14 counts, they  
6 were all felonies of the second degree, for which the  
7 defendant received probation on May 21st, 2019. And then  
8 this offense conduct began shortly thereafter on  
9 December 24th, 2019.

13:45:07 10           Despite the fact that he claims he was undergoing  
11 counseling and that he was undergoing counseling, it  
12 appears, but, obviously, that was not effective and,  
13 obviously, the defendant engaged in this pattern of  
14 activity, which is clandestine pattern.

13:45:27 15           He was raised by his parents in a good neighborhood in  
16 Cleveland, Ohio. He didn't witness any substance abuse or  
17 violence in his childhood home. He has one sibling, age 22.  
18 He's never been married. He has no children.

19           He has no known physical health concerns, but  
13:45:43 20 apparently was diagnosed with depression and general anxiety  
21 disorder in 2019. I'm not a psychiatrist, but some of this  
22 I would suspect is related to the fact that he was being  
23 apprehended, charged, and was dealing with the legal system  
24 in terms of his criminal conduct here; although, again, he  
13:46:04 25 carries those diagnoses.

1           He completed a sex offender assessment on March 12th,  
2           and the assessment determined the risk of reoffending was  
3           above average.

4           Mr. Glowacki has suicidal thoughts since the age of  
13:46:18 5           16, at least so he claims, and has -- was admitted into a  
6           psychiatric ward approximately one week prior to his arrest  
7           on this offense. Apparently the search had been conducted  
8           earlier.

9           He was last employed as a cashier in July of 2020. He  
13:46:35 10           has a metalworking certificate he obtained in March of 2021.

11           In terms of the sentencing disparities, again, here,  
12           we have a mandatory minimum, so the guideline calculation  
13           and sentencing disparities would be somewhat beside the  
14           point. 98 months was the median length of imprison --  
13:47:00 15           average length was 98 months. Median length was 120 months.  
16           Again, that's utilizing offense level 27, with a criminal  
17           history category -- this says II, but it should be I. But,  
18           again, the mandatory minimum is in play here.

19           In terms of the need for the sentence imposed, the  
13:47:20 20           instant offense, federal offense is Mr. Glowacki's second  
21           sex offense conviction. He used Bitcoin to make a payment  
22           to child sexual -- to obtain child sexual abuse material.

23           Now, the PSI and the Probation Office seems to believe  
24           Mr. Glowacki paid, again, 1.75 Bitcoin, which was  
13:47:41 25           approximately \$12,000 in U.S. currency, and that fluctuates,

1 so that market is volatile. Be that as it may, however much  
2 he paid, he clearly sought it out and he certainly paid  
3 money, and perhaps even a large amount of money, to obtain  
4 this sexual abuse material.

13:48:01 5 His payment was sent to a virtual currency exchanger  
6 based in Russia. He made the Bitcoin payment to access the  
7 dark web site that had over a dozen images containing child  
8 pornography, and the Bitcoin payment accessed a larger  
9 collection of child pornography.

13:48:19 10 Probation Office believes, and of course I agree, that  
11 the phone, the images contained on Mr. Glowacki's phone are  
12 troubling just focusing on the nine images. Of the three  
13 images -- there were nine images and then there were three  
14 additional images. One of the three images was an image of  
13:48:40 15 a prepubescent female, approximately six to nine years old,  
16 naked and tied to a chair, facing down with an adult male  
17 holding her from behind. The second image was an image of a  
18 prepubescent female, approximately 11 to 13 years old,  
19 performing oral sex on an adult male. And an image --  
13:48:59 20 included a image was a prepubescent male, approximately  
21 eight to ten years old, with his pants down and apparently  
22 having sexual contact with a female of the similar age.

23 And the Probation Office on February 7th learned that  
24 one of the images contained an identified victim.

13:49:19 25 Documented -- documentation submitted on behalf of the

1 victim contained over 400 pages of detailed records of the  
2 victim's ongoing victimization, personal and economic losses  
3 due to the initial sexual abuse she endured as a juvenile,  
4 and the ongoing circulation of the images of her sexual  
13:49:37 5 abuse. The documentation estimated that the victim has a  
6 total of over \$6 million in economic losses due to no  
7 limited -- not limited to medical costs, counseling  
8 expenses, lost earnings, expenses paid for restitution  
9 documentation. And the victim impact statement the victim  
13:49:56 10 submitted detailed the victim's past, ongoing struggles due  
11 to the circulation of her sexual abuse images.

12 The Probation Department recommends the \$10,000. I  
13 agree. If counsel would like the calculation, first of all,  
14 there are calculations set forth in the PSI at page 18 which  
13:50:15 15 outlines the full amount of Lily's, as her name is referred  
16 to, economic losses are spelled out there itemizing the over  
17 \$6 million, not including attorney fees allowable by  
18 statute.

19 The victim also asked for a no contact order. And I  
13:50:35 20 will quote from paragraph 19: We have seen some defendants  
21 are trading images with Lily's real legal name as part of  
22 the file title. Lily's been personally contacted by child  
23 pornography enthusiasts who made offensive and frightening  
24 remarks and sought in-person contact with her. I myself  
13:50:54 25 have received correspondence recently from a federal inmate



1 requesting that I pass along apologies to her. What is  
2 alarming is that he uses her legal name and says that  
3 everyone in his institution who has committed a child  
4 pornography crime knows of her. We would appreciate,  
13:51:10 5 therefore, a no contact order using her pseudonym be  
6 requested of the Court. That's at paragraph 19.

7 Paragraph 20 also is a victim impact statement which  
8 is dated August 20th, 2019, and the victim states just --  
9 I'll just touch on some of it because, again, the \$10,000 I  
13:51:30 10 believe is nominal for a young person like this defendant  
11 who hopefully when he's released from prison will go to  
12 work, and I would think that agreeing to pay restitution  
13 would be a sign of true remorse.

14 The victim states: I live every day with the horrible  
13:51:44 15 knowledge that many people somewhere are watching the most  
16 terrifying moments of my life and taking grotesque pleasure  
17 in them. I am a victim of the worst kind of exploitation:  
18 Child pornography. Unlike other forms of exploitation, this  
19 one's never ending. Everyday people are trading and sharing  
13:52:01 20 videos of me as a little girl being raped in the most  
21 sadistic ways. They don't know me. They've never seen --  
22 they have seen every part of me. They are being entertained  
23 by my shame and pain. The world came crashing down the day  
24 I learned pictures of me being sexually abused had been  
13:52:20 25 circulated on the internet. Since then, little has changed

1 except my understanding of the distribution of these  
2 pictures grows bigger and bigger by the day. I've always  
3 been told there's nothing I can do about it. The enormity  
4 of this has added to my grief and pain and given me  
13:52:35 5 paranoia.

6 And she goes on and talks about and page -- paragraph  
7 after paragraph what this has done to her. She said --  
8 she's paranoid she claims. She says: Some of the perverts  
9 have contacted me. I've received emails suggesting making  
13:52:50 10 porn with these strangers. One has stalked me and others  
11 have created slideshows and videos of me on YouTube  
12 referencing my life as an adult in recently as last year.  
13 And it goes on and on. There's more paragraphs talking  
14 about the difficulties this individual has had.

13:53:08 15 This is one of the persons that Mr. Glowacki  
16 victimized. So I think it's important to understand when we  
17 talk about these cases -- I receive all sorts of materials  
18 here in support of the defendant referencing his illness or  
19 his need for counseling, et cetera, focusing on the  
13:53:26 20 defendant. Far too often we don't focus on the victim.  
21 That's where the real focus needs to be here, the victim,  
22 and what we can do to prevent Mr. Glowacki from this  
23 continued pattern.

24 There were victims in his earlier case for which he  
13:53:41 25 received two years of probation. I don't know Judge

1 McGinty, but I hope someone goes back to him and explains to  
2 him and shows him the seriousness of these kind of offenders  
3 and this kind of conduct and the danger he's posed  
4 particularly with someone whose own report indicates he's at  
13:53:58 5 a high-risk of offending. Within six months of probation,  
6 he's back doing this on the dark web and in a sophisticated  
7 way.

8 That's why I pause and wonder: Is 15 years going to  
9 be enough? If someone's placed on probation, after all of  
13:54:14 10 the 14 counts to which he was given probation, and then in a  
11 matter of six months he goes back in a sophisticated way to  
12 go back to feed his urges, is 15 years enough? Is it going  
13 to be an adequate deterrent? Is he going to, once he's  
14 released, return to the same urges that he was again  
13:54:34 15 obviously involved in here?

16 And this is a person who supposedly is going through  
17 counseling at the same time. One would suspect he's telling  
18 his counselors: Oh, I'm doing well, I'm doing fine, what  
19 have you. Misleading his counselors. So I ask: Was 15  
13:54:52 20 years going to do it? Is that going to be enough or not?  
21 Rhetorically.

22 Well, hear the following: Pursuant to the Sentencing  
23 Reform Act of 1984, 18 United States Code 3553(a), the  
24 defendant will be committed to the custody of the Bureau of  
13:55:17 25 Prisons for a term of 180 months.

1 He'll be placed on supervised release for a term of 15  
2 years. Why? 10 years is not sufficient. 15 years may not  
3 be sufficient. He may have this issue or may deal with this  
4 issue for a lifetime. The reason why 15 years is  
13:55:34 5 appropriate is because of his recidivism: The fact he  
6 returned to this same type of criminal conduct that brought  
7 him before the state court in a matter of a very few, short  
8 months, he's a high-risk offender, he'll require supervision  
9 for many, many, many years.

13:55:49 10 In terms of the special assessment -- or supervised  
11 release, when he's released, he'll be required to report in  
12 person to the district in which he's released.

13 There will be no fine. It's because there will be  
14 restitution.

13:56:03 15 Special assessment of \$100 is due immediately.

16 I will order restitution in the amount of \$10,000  
17 through Lily -- to Lily through the Clerk of the U.S.  
18 District Court. And I believe that, again, that amount is a  
19 conservative amount, and I would point any reviewing court  
13:56:20 20 to the victim impact statement, the amounts of damages the  
21 victim suffered. Candidly, I don't know how we ever can  
22 place a number on the kind of harm to this victim. It's  
23 difficult to quantify.

24 And for this defendant, \$10,000 is indeed in my view  
13:56:35 25 nominal. This is a person who's willing to spend

1 substantial sums to purchase pictures of Lily, but yet, in  
2 some ways is resistant to paying restitution to her.

3 He'll pay 25 percent of his gross monthly income per  
4 month through the Federal Bureau of Prisons Inmate Financial  
13:56:54 5 Responsibility Program while he's in custody. The address  
6 to where the restitution will be paid will be part of the  
7 Court's order.

8 When he's released from prison, if any restitution  
9 remains, he'll begin paying at ten percent of his gross  
13:57:08 10 monthly income no later than 60 days after he's released  
11 from prison.

12 And, of course, the Government can execute upon the  
13 judgment.

14 When he's under supervision, he'll undergo mandatory  
13:57:20 15 and standard conditions adopted by the Court. There will be  
16 mandatory drug testing to make sure he's not using any  
17 illegal drugs, substances. There will be a mental health  
18 evaluation that will be required.

19 We do have the records that were submitted by counsel  
13:57:34 20 on behalf of the defendant. We'll make sure they're made  
21 part of the record in this case so that, again, they can be  
22 utilized in the future by Probation. I'll note that even  
23 his most recent report, which was an attempt, again, in many  
24 ways to minimize the problems of the defendant, even that  
13:57:53 25 report notes an above-average risk of recidivism and that

1 Mr. Glowacki would highly benefit from treatment and goes on  
2 to say that. That's to state the obvious. And so, in any  
3 event, we'll note that and make that all part of the record  
4 for the -- again, for future use during his supervision.

13:58:12 5 He'll be subject to a search. His person, property,  
6 house, residence, vehicle, papers, computers, other  
7 electronic communications, data storage devices, or media  
8 will be subject to a search conducted by his probation  
9 officer. If he fails to submit to that search, that may be  
13:58:29 10 grounds for revocation.

11 He must participate in sex offense specific  
12 assessment. He'll register under the SORNA, so-called SORNA  
13 Act, Sex Offender Registration and Notification Act. He  
14 must comply with the requirements of that act as directed by  
13:58:45 15 his pretrial services and probation officer.

16 And you will keep your registration current in each  
17 jurisdiction in which you reside or are employed or are a  
18 student. And you must no later than three business days  
19 after each change in name, residence, employment, or student  
13:58:59 20 status appear in person in at least one jurisdiction in  
21 which you are registered, inform that jurisdiction of all  
22 changes in reporting information. Failure to do so may be a  
23 violation of your conditions of supervised release. It may  
24 be a federal offense punishable up to ten years if you fail  
13:59:17 25 to register.

1 And he'll participate obviously in a sex offense  
2 treatment program and follow the rules of that program.  
3 He'll submit to periodic polygraph testing at the discretion  
4 of the probation officer as a means of ensuring compliance  
13:59:30 5 with the requirements of the supervision of the treatment  
6 program.

7 He'll not possess any materials, including pictures,  
8 photographs, books, writings, drawings, videos, video games  
9 depicting or describing sexually explicit conduct, which is  
13:59:43 10 defined as (A) sexual intercourse, including genital to  
11 genital, oral to genital, anal to genital, or oral to anal,  
12 whether between persons of the same or opposite sex,  
13 bestiality, masturbation, sadistic/masochistic abuse, or  
14 lascivious exhibition or -- of the private areas of any  
14:00:03 15 person.

16 There will be an internet computer restriction. He'll  
17 be prohibited strictly from accessing any computer, online  
18 computer service, internet service provider, bulletin board  
19 system, or any other public or private computer network or  
14:00:17 20 the service at any location, including employment or  
21 education, without prior written approval of his probation  
22 officer and his pretrial officer.

23 And he'll provide his pretrial officer with accurate  
24 information about his entire system, computer, all  
14:00:31 25 passwords, et cetera, and his computer will be monitored and

1 restricted.

2 And he will consent to unannounced examinations of his  
3 computer system, which may include retrieval and copying of  
4 all memory from hardware, software, removal from such  
14:00:47 5 system, et cetera, and he'll consent to monitoring being  
6 installed on his computer.

7 Minor contact restriction. He must not seek, obtain,  
8 or maintain any residence, employment, volunteer work,  
9 church, or recreational activities involving minors, persons  
14:01:04 10 under the age of 18, in any way without the prior express  
11 written approval of your probation officer.

12 And you'll not reside within the direct view of any  
13 schoolyards, parks, public swimming pools, playgrounds,  
14 youth centers, video arcade facilities, any other places  
14:01:18 15 used by persons under the age of 18. You must not reside  
16 within a thousand feet of a school or daycare center without  
17 the express written approval of your probation officer.

18 There will be no sex paraphernalia permitted. You'll  
19 not possess any such items as described: Bindings,  
14:01:35 20 blindfolds, restraints, handcuffs, anything sadomasochistic.

21 And you'll have no contact whatsoever with this  
22 individual named Lily, either directly or through someone  
23 else, and if you do, then obviously you will face another  
24 sanction.

14:01:51 25 And he's not a candidate for bond, of course, based on



1 this conduct and this history.

2 Having said all those things, counsel for the  
3 Government, under *U.S. versus Bostic*, any objections,  
4 corrections, any arguments that have not been previously  
14:02:05 5 raised that I can address?

6 MR. SULLIVAN: No, Your Honor.

7 THE COURT: Thank you.

8 Counsel for the defendant, any *Bostic* objections you'd  
9 like to raise?

14:02:12 10 MR. NEMECEK: No, Your Honor.

11 THE COURT: Thank you.

12 Mr. Glowacki, I've imposed a sentence within the terms  
13 of your plea agreement. It doesn't appear there's any basis  
14 for an appeal. You can talk that over, however, with your  
14:02:23 15 lawyer.

16 If there is any basis for an appeal, any notice of  
17 appeal must be filed no later than 14 days after I reduce  
18 your sentence to writing.

19 And if you're unable to pay for an attorney or afford  
14:02:35 20 counsel, we'll appoint an attorney for you and provide you  
21 all the necessary papers and transcripts, et cetera.

22 Is that understood?

23 THE DEFENDANT: Yes, it is, Your Honor.

24 THE COURT: All right. Thank you very much.

14:02:45 25 That will be the Court's --

1 MR. NEMECEK: Your Honor --

2 COURTROOM DEPUTY: Just --

3 MR. NEMECEK: I apologize. Just one more  
4 point.

14:02:50 5 We had made a request in the sentencing memo for the  
6 Court to put in a designation request for FCI Elkton, just  
7 because it's in close proximity to his home and they also  
8 offer the nonresidential sex offender treatment program  
9 there.

14:03:02 10 THE COURT: All right. I'm sorry, sir. I  
11 meant to do that. And I will certainly make that  
12 recommendation. My apologies.

13 MR. NEMECEK: No, that's fine.

14 Thank you, Your Honor.

14:03:09 15 THE COURT: We'll make sure -- no, I  
16 understand. That's an important recommendation. We will  
17 make it.

18 All right. Thank you very much.

19 COURTROOM DEPUTY: Judge, the Government did  
14:03:16 20 not dismiss their counts.

21 MR. SULLIVAN: Yeah, I think there were -- the  
22 Count 2, we'll make a motion to dismiss Count 2, Judge.

23 THE COURT: Will be dismissed at your request  
24 pursuant to the plea agreement.

14:03:27 25 MR. SULLIVAN: Thank you.

1 THE COURT: Thank you, everyone.  
2 Appreciate it.

3 - - -

4 (Proceedings concluded at 2:03 p.m.)

14:03:45

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**C E R T I F I C A T E**

9 I certify that the foregoing is a correct transcript  
10 of the record of proceedings in the above-entitled matter  
prepared from my stenotype notes.

11

/s/ Sarah E. Nageotte 6/16/2022  
SARAH E. NAGEOTTE, RDR, CRR, CRC DATE

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